



PATENT  
Attorney Docket No. 3804.1596-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
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Manfred BOHN et al. ) Group Art Unit: 1639  
 )  
Application No.: 09/077,194 ) Examiner: J. Epperson  
 )  
Filed: May 26, 1998 )  
 )  
For: USE OF 1-HYDROXY-2- )  
PYRIDONES FOR THE ) Confirmation No. 5713  
TREATMENT OF )  
SEBORRHEIC DERMATITIS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

09/25/2006 HBERHE 00000038 09077194  
01 FC:1806 180.00 DP

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of U.S.P.T.O. publications, including U.S. Patents, published U.S. patent applications, and Office Actions, are not enclosed. Listed foreign patent and non-patent documents of record in related divisional Application No. 10/606,229, filing date June

26, 2003, are not enclosed. Applicants enclose copies of the listed foreign patent and non-patent documents not of record in Application No. 10/606,229.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

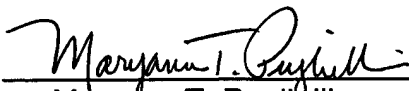
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 22, 2006

By:   
Maryann T. Puglielli  
Reg. No. 52,138

Complete if Known

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

2

Application Number

09/077,194

Filing Date

May 26, 1998

First Named Inventor

Manfred BOHN

Art Unit

1639

Examiner Name

Epperson, Jon D.

Attorney Docket Number

03804.1596-00

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-3,883,545	05-13-1975	Lohaus et al.	
		US-4,172,149	10-23-1979	Pinto et al.	
		US-4,711,775	12-08-1987	Dittmar et al.	
		US-4,797,109	01-10-1989	Wende	
		US-5,814,322	09-29-1998	Sebillotte-Arnaud	
		US-6,120,756	09-19-2000	Markowitz	
		US-6,514,490	02-04-2003	Odds et al.	

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation or Equivalent
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code				
		EP 0 312 234 A2	04-19-1989	Gummer		
		FR 2 722 097 A1	07-11-1994	Laurence		US-5,814,322

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		"Seborrheic Dermatitis," American Academy of Dermatology, pp. 1-4 (2003).	
		"The Merck Index," An Encyclopedia of Chemicals, Drugs, and Biologicals, p1345 (2001).	
		Abstracts of JP 06080567 A, published March 22, 1994, to Koichi et al. (1) Patent Abstract AN 1994-080567 and (2) Chemical Abstract AN 1994:491796	
		Abstracts of JP 08048625 A, published February 20, 1996, to Akira et al. (1) Patent Abstract AN 1996-048625, and (2) Chemical Abstract AN 1996:262456	
		Abstracts of JP 56065810 A, published June 3, 1981, to Takashi et al. (1) Patent Abstract AN 1981-065810 and (2) Chemical Abstract AN 1981:520977	
		Aly et al. "Ciclopirox Gel for Seborrheic Dermatitis of the Scalp." <i>Int. J. Dermatol.</i> 42:19-22 (2003).	
		Consumer Medicine Information, <a href="http://medsafe.govt.nz/consumers/cmi/s/stieprox.htm">http://medsafe.govt.nz/consumers/cmi/s/stieprox.htm</a> , pp. 1-4, printed on 7/6/2006	
		Cyclomethicones, <a href="http://www.clearcoproducts.com/cyclomethicones.html">http://www.clearcoproducts.com/cyclomethicones.html</a> , pp. 1-5, printed on 7/12/2006	
		Declaration of James Leyden, M.D., including Exhibits A-D, filed June 26, 2003.	
		Declaration of R. Todd Plott dated July 17, 2006.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	09/077,194
				Filing Date	May 26, 1998
				First Named Inventor	Manfred BOHN
				Art Unit	1639
				Examiner Name	Epperson, Jon D.
Sheet	2	of	2	Attorney Docket Number	03804.1596-00

NON PATENT LITERATURE DOCUMENTS		
	Elewski et al., "Continuing Medical Education" <i>J. Amer. Acad. Derm.</i> 21:655-73 (1989).	
	English language summary of Schofer, H. "Therapie des seborrhoischen Ekzems bei HIV-infektion" <i>Forschung und Praxis</i> , 98 Seite III (1990). See IDS filed January 14, 2004, in Application Ser. No. 10/606,229.	
	Farbwerke Hoechst, "Dandruff Control by Pyridinones," Grench Patent (Abstract only) FR 2 191 904, 2/8/1974.	
	Loprox Shampoo, MEDICIS, pp. 1-11 and prescribing information as of February 2003.	
	Lynfield et al., "Common Skin Problems in Adolescents" <i>Int. J. Adol. Med. Health</i> 1:113-17 (1985). Abstract only.	
	Office Action dated April 7, 2006, from Application Ser. No. 10/606,229.	
	Office Action dated August 23, 2005, from Application Ser. No. 10/606,229.	
	Office Action dated June 29, 2004, from Application Ser. No. 10/606,229.	
	Office Action dated November 16, 2005, from Application Ser. No. 10/606,229.	
	Office Action dated November 7, 2005, from Application Ser. No. 10/606,229.	
	Pennstate, Milton S. Hershey Medical Center, Seborrheic Dermatitis, Health and Disease Information, April 3, 2006.	
	Plewig et al. "Seborrheic Dermatitis" <i>FitzPatrick's Dermatology in General Medicine</i> , 6 <sup>th</sup> Ed., Ch. 124, p. 1198-99.	
	Squiquera et al., "Analysis of the antifungal activity of ketoconazole, zinc pyrithione, and ciclopirox olamine against <i>Pityrosporum ovale</i> . A diffusion assay for cultures in solid media," <i>J. Eur. Acad. Derm. Vener.</i> 7:26-29 (1996).	
	Translation of WO 96/02226 A1.	
	Van Cutsem et al., "Clinical and Laboratory Studies: The <i>in vitro</i> Antifungal Activity of Ketoconazole, Zinc Pyrithione, and Selenium Sulfide Against <i>Pityrosporum</i> and Their Efficacy as a Shampoo in the Treatment of Experimental Pityrosporiasis in Guinea Pigs." <i>J. Amer. Acad. Dermatol.</i> 22:993-98 (1990).	

Examiner Signature		Date Considered	
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